IN THE COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1266 OF 2006

Annasaheb Laxman Palekar ...Petitioners

vs.

Mahadev Krishna Kirdak and anr. ...Respondents

Rahul S.Kate for the petitioners.

CORAM: S.C.DHARMADHIKARI, J.

DATE ; 23RD FEBRUARY, 2007.

P.C :-

1. Heard Mr.Kate appearing for the petitioner. With his assistance I have perused the order rejecting the request of the Petitioner to appoint a Commissioner.

2. In my view, the reasons which are assigned by the Trial Court for rejecting the said request are cogent and satisfactory and do not warrant any

interference by this court in the Discretionary and equitable jurisdiction of this Court under Article 226 of the Constitution of India. Petition is therefore dismissed. All observations made by the Learned Judge while rejecting the said application are made for the disposal of the same and should not be construed as an opinion or expression on the merits of the controversy. The suit to be decided uninfluenced by the same. No order as to costs.

sd/-

(S.C.DHARMADHIKARI, J)